

#17

VIA FACSIMILE TRANSMISSION - OFFICIAL
To Office of Petitions - Fax Number 703-308-6916
September 28, 2003

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

TO: **OFFICE OF PETITIONS**
FAX NO.: (703) 308-6916
U.S. PATENT AND TRADEMARK OFFICE

In re application of: Harley Kent Heinrich et al. Examiner: William L. Bangachon
Serial Number: 09/382,382 Art Unit: 2635
Filed: 08/24/1999
For: "Radio Frequency Identification System With Write Broadcast Capability"
(Attorney Docket YO995-218)
Allowed: 07/01/2003

PETITION UNDER 37 CFR 1.47(a) AND MPEP 409.03(a)

FAX RECEIVED

SEP 29 2003

Statement of Facts

PETITIONS OFFICE

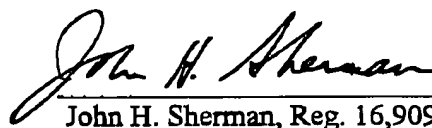
The Notice of Allowance of 07/01/2003 in the present application, Paper No. 15, in Section 3 at Pages 2-3, requires a new Declaration. The new Declaration submitted herewith has been signed by six of the seven inventors. (The present application was filed as a continuation application, and only original claims as originally filed in the parent application filed 08/09/1996 have been allowed in the present application. See the Applicant's argument in the Amendment and Response of 12/20/2002 that no CIP declaration was required in these circumstances. The undersigned decided on about August 28, 2003, that instead of filing a CIP with all eight inventors at this time, to file an RCE, and to try to locate the seven inventors, and to obtain execution of the enclosed Declaration.)

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this Petition Under 37 CFR 1.47(a) and MPEP 409.03(a) of three pages (including authorization to charge the petition fee to deposit account), and respective signed Declarations of four pages for each of the respective six signing joint inventors, (Enclosure Pages 1-24), are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

September 28, 2003

Date


John H. Sherman, Reg. 16,909

09/29/2003 RXELLEY 00000027 141190 09382302

PC:4430

130.00 DA

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After various attempts to locate Christian Lenz Cesar who has not signed the enclosed Declaration, a letter was sent to Mr. Cesar on 09/06/2003 at the address shown on the original fully executed Declaration. A return copy of the letter (returned by Dr. Cesar as requested) was received on September 18, 2003, showing Dr. Cesar's post office address to be the one to which the letter was sent, and giving Dr. Cesar's e-mail address. An e-mail was sent to Dr. Cesar on 09/19/2003, advising him that the signed Declaration was "due in the Patent Office by October 1, 2003", and apparently had a successful delivery. The complete application as filed, and the Declaration were sent to Dr. Cesar at his post office address (P.O. Box 642, Shrub Oak, NY 10588) by Express Mail (Post Office to Addressee service) on 09/20/2003 11:43 AM. The United States Postal Service reported on 09/24/2003, that delivery had been unsuccessful. Accordingly, an investigation was begun concerning the address in New Jersey that Dr. Cesar had given to IBM at his leaving IBM (which was believed by the undersigned to be in about June of 2002). This led to the finding that Dr. Cesar was traveling in France and was not expected back for several weeks, and had not left an itinerary with the party we were able to contact. Accordingly, it is concluded that Dr. Cesar is unavailable to sign a new Declaration by the deadline of October 1, 2003 for payment of the issue fee.

Under all the circumstances, Applicant plans to file an RCE and an IDS, and to add further claims to the present application by October 1, 2003, and this Petition is submitted to assure that the planned RCE will be a full response to the Notice of Allowance, Paper No. 15, dated 07/01/2003.

Payment of the Petition Fee

Please charge the Petition fee to Deposit Account No. 14-1190. (It is understood that 37 CFR 1.17(h), Fee Code 1460, applies, and that the amount of the petition fee is \$130.) The Commissioner for Patents is hereby requested to charge any additional fees which may be required for this Petition, or credit any overpayment, to Deposit Account No. 14-1190.

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Action Requested

Applicant respectfully petitions to have the enclosed Declaration signed by all inventors except Christian Lenz Cesar accepted pursuant to MPEP 403.09(a) as a proper response to the requirement of Section 3 of the Notice of Allowance, Paper No. 15, having a term for response of October 1, 2003.

Proof that the Nonsigning Inventor Christian Lenz Cesar Cannot Be Reached After Diligent Effort

Applicant is sending separately an Affidavit of John H. Sherman, Attorney of Record, and accompanying exhibits, presenting the required proof to show inability to reach Dr. Cesar after diligent effort.

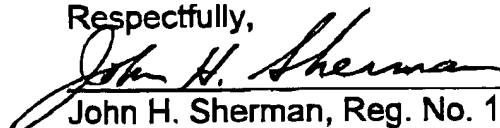
The Last Known Address of the Nonsigning Joint Inventor

The last known post office address for nonsigning joint inventor Dr. Cesar is:
Christian Lenz Cesar, P.O. Box 642, Shrub Oak, NY 10588

Conclusion

An earnest effort has been made to fully comply with the requirements of MPEP 409.03(a), and approval of the enclosed Declaration as responsive to the requirement in the Notice of Allowance is respectfully solicited.

Respectfully,


John H. Sherman, Reg. No. 16,909
c/o Legal Department
Intermec Technologies Corporation
550 Second Street, SE
Cedar Rapids, IA 52401

Enclosure: Six Respective Declarations, Form PTO/SB/01-02A of a Total of Four Pages
Each, for Each of the Respective Six Signing Joint Inventors, with the
Inventor's Signature box for Christian Lenz Cesar shown blank on each
Declaration, (Enclosure Pages 1-24)